

### **REMARKS**

The Examiner stated in the Official communication that Claims 1-3 of the referenced application are rejected under 35 U.S.C. 103(a) as being unpatentable over McGivern (3,333,593; '593) in view of Aylott (3,504,682; '682).

The Examiner admitted that the '593 patent does not appear to disclose a second compartment with a second tray and recess for holding a brush and cutout for the recesses; but the Examiner, without citing any publications and prior arts, stated that additional compartments with trays to a kit is old and conventional. The cited '682 patent does not unequivocally lead an experienced practitioner to create an additional compartment for receiving therein an eyelid brush. Still further, the cover (10) in the referenced application is so configured that the additional compartment is also covered by said cover (10). None of the cited patents, the '593 patent nor the '682 patent, discloses that the cover is able to cover the additional compartment.

To reject a claim based on 35 U.S.C. 103(a), the cited patent has to show the motivation as to come up with the same structure, process, method or the combination thereof as claimed in the referenced application. After careful review of the cited patents, the Applicant respectfully disagrees with the Examiner's assertion that the cited patents show the motivation to inspire the skilled person to construct an eyelid enhancement kit having an additional compartment for holding a brush. Based on the findings of the '593 patent and the '682 patent, and after the combination of all the dependent claims with the original independent claim, Applicant asserts that the subject matter in the amended Claim 1 is not disclosed or taught or made obvious by any of the cited patents alone or in combination. Accordingly, the Applicant requests favorable action be issued.



Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, with sufficient postage as First Class Mail (37 CFR 1.8(a)), in an envelope addressed to Mail Stop: RESPONSE/NO FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 16, 2006  
  
Shirley McIntyre